

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CR No. 7989 of 2015 (O/M)  
Date of decision : 30.11.2015

Anil Vohra and another

..... Revisionists

Versus

Sanjeev Goel and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Surinder Mohan Sharma, Advocate,  
for the revisionists.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 29.10.2015 (Annexure-P-2), passed by the learned Civil Judge (Junior Division), Ambala, vide which the defendants were burdened with costs of Rs. 5,000/- for delaying the matter and wasting the precious time of the Court. Also impugned in the present revision is the order dated 6.11.2015 (Annexure-P-3), passed by the learned Civil Judge (Junior Division), Ambala, vide which the defence of defendants was struck off on account of their flatly refusing to pay costs imposed, vide impugned order dated 29.10.2015.

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Learned counsel for the revisionists contends that he does not challenge the order dated 29.10.2015 and is ready to pay the costs of Rs. 5,000/-, imposed by the lower Court. Consequently, the present revision qua order dated 29.10.2015, stands dismissed.

Learned counsel contends that on the wrongful advice of the counsel, the defendants made the statement to the effect that they do not want to deposit the costs. Therefore, their defence was struck off by the lower Court. It is stated that now they have changed their counsel and are ready to pay the additional costs, which may be imposed by this Court. His only prayer is that the order of striking off their defence be set aside and the defendants may be allowed to lead evidence as their house is in dispute in the said case.

The perusal of the impugned order shows that the counsel for the defendants apparently tried to intimidate the Court and insisted that the defendants will not pay the costs and will not furnish the specific thumb impressions. His party accordingly made the statement, which left the Court with no option, but to pass the impugned order, where the defence of the defendants was struck off. It is stated that since it was done on the wrongful advice of the counsel and now the earlier counsel has been changed and the party has also changed its mind, accordingly without further going into the controversy, the impugned order dated 6.11.2015, striking off

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the defence of the defendants, is set aside, subject to payment of Rs. 25,000/-, to be paid to the opposite party. This is in addition to the costs already imposed by the lower Court. The present revision qua order dated 6.11.2015, passed by the lower, is accordingly allowed.

The lower Court is also advised that in case of any attempt is made by any party or counsel to intimidate the Court directly or indirectly, the same should be dealt with heavy hands.

(KULDIP SINGH)  
JUDGE

30.11.2015  
sjks